

ZB# 73-31

Benjamin Harris

9-2-12

Public Hearing

Nov. 5th - 8:30 p.m.

All Sus. pd.

File

73-31

Benjamin

Harris



STOCK No. 752 $\frac{1}{3}$

MADE IN U. S. A.

9-2-12

Filed - 1-14-78
9: AM
Jmt.

1-31-78
Benjamin
Harris

**PUBLIC NOTICE OF
HEARING BEFORE
THE ZONING BOARD OF AP-
PEALS**

PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
Town of New Windsor, New York
will hold a public hearing pursuant
to Section 48-33, A of the Zoning
Ordinance on the following proposi-
tion:

Appeal No. 31
Request of Benjamin Harris for
a Variance of the regulations of
the Zoning Ordinance to permit
a Variance for Parking being a
Variance of Article IV, Section
48.14 for the property owned by
him, situated as follows: on the
east side of Route 9W, 150 feet
south of Union Ave. and known
as 188 Route 9W.

SAID HEARING will take place
on the 5th day of November, 1973,
at the New Windsor Town Hall,
555 Union Avenue, New Windsor,
N.Y. beginning at 8:30 o'clock P.M.

FRED WYGANT,
Chairman
By: Patricia Delio
Secy.

Oct. 23

State of New York
County of Orange, ss:

Mary Hoffman , being duly sworn deposes and
says that he isPrincipal Clerk..... of Newburgh-
Beacon News Co., Inc., Publisher of The Evening News,
a daily newspaper published and of general circulation in
the Counties of Orange and Dutchess, and that the notice
of which the annexed is a true copy was published
Once
.....
in said newspaper, commencing on the.....23rd.....day of
.....October.....A.D., 19 73 , and ending on
the23rd..... day ofOctober..... A.D., 19 73

Subscribed and sworn to before me this
.....23rd..... day of.....October..... 19...73..

Mary Hoffman
Patricia Delio
.....
Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1975

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 73-31
Date: _____

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Benjamin Harris of P. O. Box 2552
(Street & Number)
Newburgh New York HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

- A. Location of the Property 188 Route 9-W L B
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Article IV Section 48 14 Subsection C
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: None of the buildings in the area which surrounds the proposed new building are required to provide the same amount of parking, and the adjacent building has an excess of parking space, even though it does not provide the required parking.
 2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: adjacent buildings although not in compliance with the zoning ordinance have adequate parking, and strict interpretation of the zoning ordinance would require the owner to provide vast amounts of land dedicated to parking and make the building so small as not to be economically feasible.
 3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: the land with its restrictive boundaries and topography has not been changed since the zoning ordinance went into effect.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: the requirements of the zoning ordinance are admittedly excessive, and the parking provided would be in excess of that provided by neighboring buildings.
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: the parking provided would be in excess of that provided by neighboring buildings, so no special privilege would be received by the applicant,

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Erection of an 8700 square foot building with basement adjacent to one existing 6000 square foot building on a 46,600 sq. ft. piece of property.

- E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.
- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.
- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: _____

[Signature]
Signature of Applicant

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 21 day of Sept, 1973.

Box 2552 Newburgh, N.Y.
Address

562-3700
Telephone Number

[Signature]
(Notary Public) JANE RHODES
Residing in Orange County
on expires Mar. 30, 1975

(DO NOT WRITE IN THIS SPACE)

Application No. _____
Date of Hearing _____
Date of Decision 12/7/73

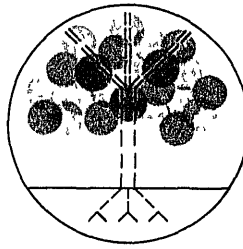
Date Received _____
Notice Published _____

DECISION:

Denied

Department of Planning

Peter Garrison, A I P, Commissioner
Edwin J. Garling, A I P, Deputy Commissioner
Our File #NWT-73-34M



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

November 18, 1973

Mr. Fred Wygant, Chairman
Town of New Windsor Zoning Board of Appeals
c/o Ms. Patricia Delio, Secretary
7 Franklin Avenue
New Windsor, New York 12550

RE: Variance of Benjamin Harris

Dear Mr. Wygant:

In accordance with the General Municipal Law, Sections 239 1 and m, we are forwarding to you our review of the above application.

1. Utilizing the proposed site to its capacity, the applicant must use both stories of the existing and proposed buildings. If this will be the case, a total of 29,400 square feet will be in issue. Bearing in mind the Town's Zoning requirements, the total amount of parking spaces would seem to be approximately 196 berths. The applicant provides for 74 or 37% of the required number of parking spaces.

2. We are cognizant of the fact that the existing building housing two stores, does not generate much traffic. In the absence of knowing what type of establishment the future building will house, the standard according to Town Law must prevail. It should also be noted that both buildings may change establishments from time to time.

3. As the site plan stands now, there are parking spaces placed in precarious positions. On the north side of the site, berths are placed adjacent to points of access and egress. There are also berths placed in front of an existing garage door. There is reason to doubt whether these spaces can truly be effective as parking spaces.

4. We are aware that the Town's Zoning Board of Appeals is knowledgeable of the fact that the existing building presents no parking problem. Because of this, there are alternatives that the applicant may pursue in a future application. The applicant can elect to diminish the floor area of his proposed building. He can elect to limit

November 18, 1973

the intensity of use of his buildings by utilizing one floor as retail space. He can juxtapose the above two alternatives to suit both his and the Town's criteria. In any case, he will have to close the gap between retail space and needed parking spaces.

In summary, we deny approval of the application as it now stands. If the applicant wishes to resubmit another site plan, we will also review that on its own merits.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Peter Garrison".

Peter Garrison
Commissioner of Planning

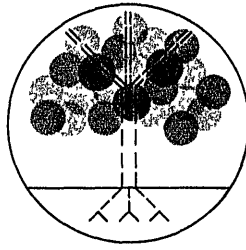
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Reviewed by: Thomas E. Markowski
Planner

Cc: J. Tallarico, Chairman Planning Board

Department of Planning

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner
Our File No. NWT-73-34M



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

October 29, 1973

Mr. Fred Wygant, Chairman
Town of New Windsor Zoning Board of Appeals
c/o Mrs. Patricia DeLio, Secretary
7 Franklin Avenue
New Windsor, New York 12550

RE: Variance of Benjamin Harris - Route
9W & Old N.Y. State 9W

Dear Mr. Wygant:

Mr. Harris has contacted this office, since our last letter to you dated October 19, 1973. In our telephone conversation, he reiterated the fact that his proposal is still of a speculative nature, not knowing how much floor area will be utilized.

It is still our feeling that it is impossible for the Town's Zoning Board of Appeals (and ourselves) to review the case without more facts, since different types of retail establishments generate different amounts of traffic.

Very truly yours,

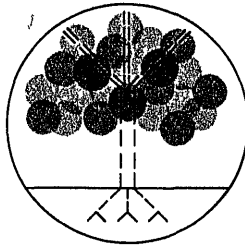
Thomas E. Markowski

Thomas E. Markowski
Planner

TEM/as

Department of Planning

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner
Our File NWT-73-34M



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

October 19, 1973

Mr. Fred Wygant, Chairman
Town of New Windsor Zoning Board of Appeals
c/o Ms. Patricia Delio, Secretary
7 Franklin Avenue
New Windsor, New York 12550

RE: Variance for Benjamin Harris - Route 9W
& Old N. Y. State 9W

Dear Mr. Wygant:

We acknowledge receipt of the above-named application. According to the provisions of Section 239 1 and m, of the General Municipal Law, we have reviewed the application.

Mr. Harris' consulting engineer, George Shaw Jr. was contacted to ascertain how many stories and how many stores the proposed building would house. Mr. Shaw was not certain and could not give us an answer. Since the parking requirements of the Town are based on floor area, as you well know, it is impossible to calculate the needed parking spaces without this fact.

We are, therefore, withholding the granting of our approval until the applicant makes his intentions known.

Very truly yours,

Thomas E. Markowski
Thomas E. Markowski
Planner

TEM/as

Y

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

7 Franklin Avenue
New Windsor, N.Y.
October 3, 1973

Orange County Planning Dept.
County Government Center
Goshen, N. Y. 10924

Attn: Vincent Poloniak

RE: PUBLIC HEARINGS - November 5, 1973

Dear Vince:

I have enclosed the following applications for
variances which public hearings will be held on Monday evening,
November 5, 1973:

Application of Edna Lauterbach
Application of Calvet Tool Rental
Application of Benjamin Harris

If you have any questions, please call me.

Thank you for your usual prompt service.

Yours truly,



PATRICIA DELIO, Secretary
New Windsor ZBA

/pd

Encs.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman

Ellsworth E. Weyant

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

Clark, Margaret M.
8 Union Avenue
New Windsor, New York 12550

Morse, Earl & Alice
12 Union Avenue
New Windsor, New York 12550

Morse, John V. & Joan A.
16 Union Avenue
New Windsor, New York 12550

Olympia, Peter M.
16 Russel Road
Newburgh, New York 12550

St. Joseph's Church
6 St. Joseph Place
New Windsor, New York 12550

McGorman, Eileen
10 St. Joseph Place
New Windsor, New York 12550

Kissel, Joseph K. & Kathleen
9 St. Joseph Place
New Windsor, New York 12550

Nugent, James E. Jr. & Kathleen
11 St. Joseph Place
New Windsor, New York 12550

Librizzi, James A. & Dorothy V.
15 St. Joseph Place
New Windsor, New York 12550

Bambino, Carmine J. & Lucia
17 St. Joseph Place
New Windsor, New York 12550

Weyant, Ellsworth E. & Georgina
23 Clintonwood Drive
New Windsor, New York 12550

*Ben Harris
File*



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Russo, Samuel & Estelle
Route 9W MD#26
New Windsor, New York 12550

Kellyhouse, Walter
37 Bank Street
Walden, New York 12586

Moran, John T. & Elizabeth A.
14 St. Joseph Place
New Windsor, New York 12550

Evans, Calvin Y. & Virginia N.
1 Valleyview Drive
New Windsor, New York 12550

Callan, George R. & Evelyn M.
3 Valley View Drive
New Windsor, New York 12550

Bedetti, Frank A. & Mary D.
5 Valley View Drive
New Windsor, New York 12550

Kanaje Corp.
323 North Main Street
Spring Valley New York

Fischer, Ruth E.
1 Blooming Grove Turnpike
New Windsor, New York 12550

Dittbrenner, Frank H. & Eileen M.
16 Old Route 9W
New Windsor, New York 12550

Moerman, Richard
C/O Fontes Motor Court
Route 9W
New Windsor, New York 12550

Roth, Virginia
C/O Westinghouse Electric Corp.
502 River Road North
New Windsor, New York 12550

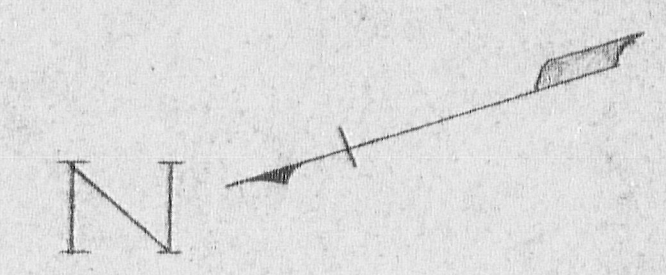
Vestrymen of St. Thomas Church
188 River Road

Respectfully submitted,

A handwritten signature in cursive script, reading "Ellsworth E. Weyant".

ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

2017

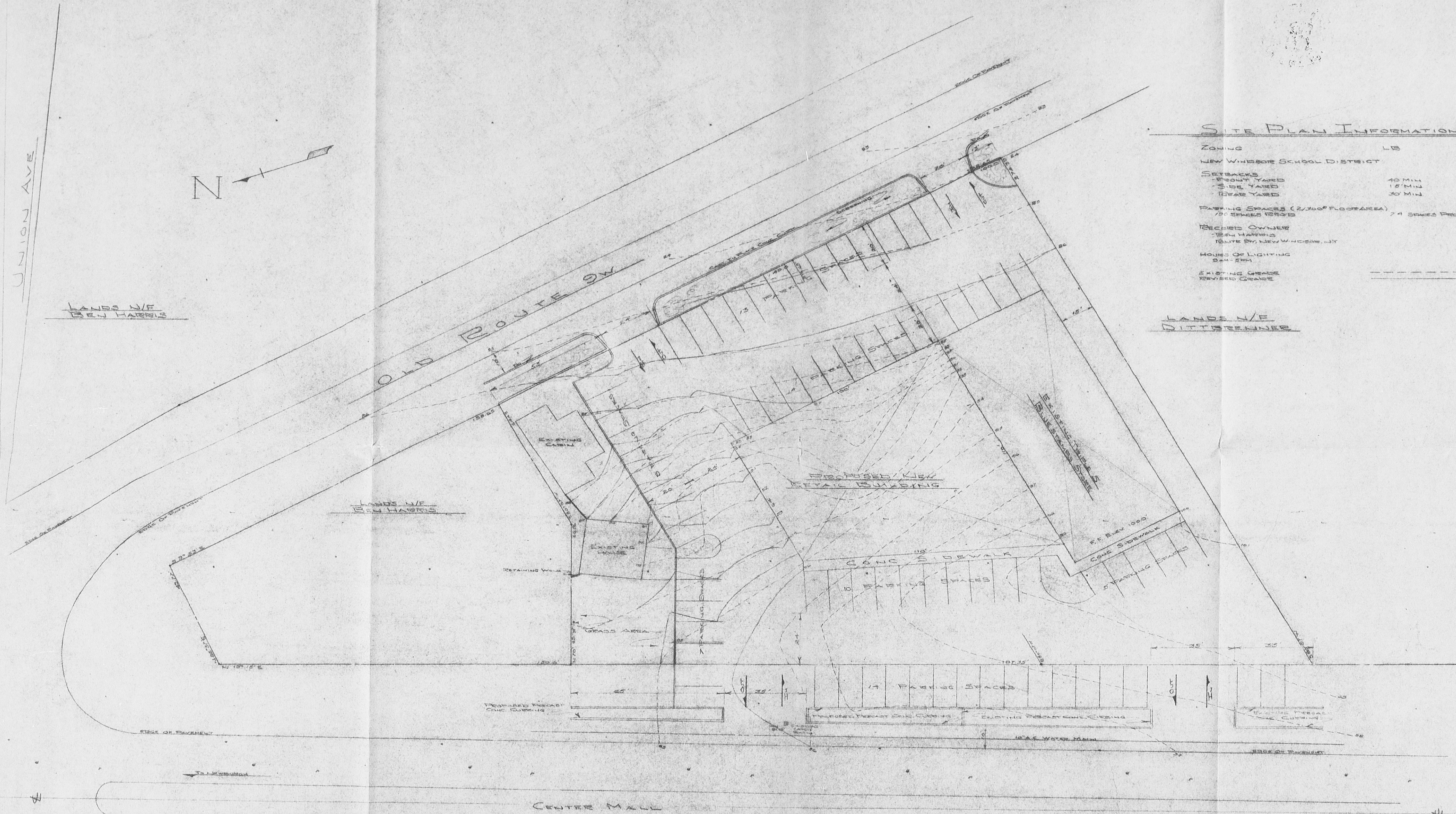


LANDS N/E
BEN HARRIS

LANDS N/E
BEN HARRIS

SITE PLAN INFORMATION	
ZONING	LB
NEW WINDSOR SCHOOL DISTRICT	
SETBACKS	
FRONT YARD	10 MIN
SIDE YARD	15 MIN
REAR YARD	30 MIN
PARKING SPACES (2,300 ⁰ FLOOR AREA)	74 SPACES PROVIDED
DESIGNED OWNER	
BEN HARRIS	
ROUTE BY NEW WINDSOR, NY	
HOURS OF LIGHTING	
8 AM - 6 PM	
EXISTING GRADE	-----
DESIGNED GRADE	-----

LANDS N/E
DITTSBENNER



CENTER MALL
ROUTE 9W

S I T E P L A N

	SITE PLAN	2076
	PROPOSED NEW B-LEG	6/1/13
	FOR	AS SHOWN
	BEN HARRIS	
	ROUTE BY NEW WINDSOR, NY	
GEORGE J. SHAW JR.		4
177 LINDEN ST.		
NEW WINDSOR, NY		